

## REMARKS

In response to the Office Action dated October 6, 2006 (hereinafter, the "Action"), Applicant respectfully requests reconsideration based on the following remarks.

A review of the claims indicates that:

Claims 1-40 were previously pending.

Claims 1, 4, 8, 10, 12, 16, and 22 have been amended.

Claims 2, 11, and 23 have been cancelled.

Claims 17-21 and 26-40 were previously withdrawn.

Claims 1, 3-10, 12-16, 22, 24 and 25 are currently pending in this application, with claims 1, 10, and 22 being independent.

Applicant respectfully requests reconsideration of the claims as presented.

## **Rejections under 35 U.S.C. §101**

On Page 2 and 3 of the Action, the Office rejects claims 9-16 under 35 U.S.C. §101, stating the claimed invention is directed to non-statutory subject matter. The Office states that claims 9-16 define a computer readable medium with descriptive material, as defined by the specification as including a “modulated data signal,” “carrier wave,” or substantially anything (Action, page 3). The Office states a signal or carrier wave embodied on a tangible computer readable medium, embodying a functional descriptive material, is neither a process

1 nor a product and therefore does not fall within one of the four statutory classes  
2 (Action, page 3). Applicant respectfully traverses this rejection.

3 The Applicant's specification describes computer readable media as  
4 "...communication media that typically embodies computer readable instructions,  
5 data structures, program modules, or other data in a modulated data signal such as  
6 a carrier wave or other transport mechanism and includes any information delivery  
7 media" (Specification, paragraph [0076]). "The term 'modulated data signal'  
8 means a signal that has one or more of its characteristics set or changed in such a  
9 manner as to encode information in the signal...communication media includes  
10 wired media such as a wired network or direct-wired connection, and wireless  
11 media such as acoustic, RF, infrared, and other wireless media" (Specification,  
12 paragraph [0077]). "Combinations of any of the above are also included within  
13 the scope of computer readable media" (Specification, paragraph [0077]).

14 The "modulated data signal" described in Applicant's specification  
15 describes a changed signal, that is changed to encode information. As such, it is  
16 tangible material, and is statutory subject matter under 35 U.S.C. §101. Therefore,  
17 Applicant respectfully requests reconsideration of the § 101 rejection of claims 9-  
18 16.  
19

20 **Rejections under 35 U.S.C. §112**

21 On Page 3 of the Action, the **Office rejects claims 10-16 under 35 U.S.C.**  
22 **§112, first paragraph,** as failing to comply with the written description  
23 requirement, because the claims contain subject matter which was not described in  
24 the specification in such a way as to reasonably convey to one skilled in the  
25

1 relevant art that the inventor(s), at the time the application was filed, had  
2 possession of the claimed invention (Action, page 4). The Office states that claim  
3 10 describes emulation results of an application and creating bitmaps, and there is  
4 no disclosure of these activities in the specification (Action, page 4).

5 Without conceding the propriety of the stated rejections, and solely to  
6 advance the prosecution of this matter, the Applicant submits that the following  
7 amendments to claims 10, 12, and 16 overcome the Office's rejection under §112,  
8 first paragraph for failing to comply with the written description requirement.  
9 These amendments are supported in the specification at least by paragraphs  
10 [0007], [0008], [0021], [0024], [0025], [0040], [0041], [0076], [0077], [0079],  
11 [0080], [0081], [0082] and Figures 1, 2, 3, and 7 of the Applicant's specification,  
12 and are reproduced here for convenience:

13

14 **Claim 10:**

15 "A computer-readable medium comprising instructions that when  
executed:

16 capture the presentation results of ~~an emulation of~~ an interactive  
17 execution of a browser application processing video content in an original  
18 markup language, wherein the presentation includes layout, rendering, UI  
interaction, and dynamic aspects of the video content from the original  
markup language; and

19 create one or more serialized binary bit streams maps and  
~~corresponding drawings commands~~ corresponding to the presentation  
20 results that can be visually rendered and interacted with by an end user  
through a user interface..."

21 **Claim 11:** Claim 11 has been cancelled.

1           **Claim 12:**

2           “The computer-readable medium as defined in Claim 10, wherein  
3           the instructions, when executed:

4           translate the one or more serialized binary bit streams maps and  
5           corresponding drawings commands with a document object model into a  
6           document object model hierarchy corresponding to the video content of the  
7           original markup language; and

8           present the translated video content using the document object model  
9           hierarchy.”

10           **Claims 14 and 15:**

11           Claims 14 and 15 do not contain the language “...emulation results  
12           of an application and creating bitmaps...” described  
13           by the Office in the rejection discussion (Action, page 4).

14           **Claim 16:**

15           “The computer-readable medium as defined in Claim 10, wherein  
16           one or more textual words are translated into a plurality of languages and  
17           included in each of:

18           the video content in the original markup language; and  
19           the one or more serialized binary bit streams maps.”

20           Applicant respectfully submits that claims 10 and 12-16 are now allowable  
21           over the Office’s 35 U.S.C. §112, first paragraph rejection.

22           On page 4 of the Action, the **Office rejects claims 1-16 and 22-25 under**  
23           **35 U.S.C. §112, first paragraph** as failing to comply with the enablement  
24           requirement. The Office states “[a]ll of the claims generally recite translating  
25           video content into a binary format. No details of this conversion are given in the  
specification. No details are given as to what the binary format actually entails”  
(Action, page 4).

26           Applicant respectfully submits that the specification does contain  
27           information describing the translation of video content into binary data and/or  
28           format, as well as providing details of the makeup of binary format. The

1 translation of video content into a binary format and the structure of that binary  
2 format are fully supported under 35 U.S.C. § 112, 1st paragraph, at least by  
3 paragraphs [0007], [0008], [0021], [0024], [0025], [0040], [0041], and Figures 1,  
4 2, and 3 of the Applicant's Specification.

5 Applicant submits this disclosure in the specification overcomes the  
6 Office's rejection for failure to comply with the enablement requirement, and  
7 requests that the §112, first paragraph rejection of claims 1-16 and 22-25 be  
8 withdrawn.

9 On page 5 of the Action, the **Office rejects claims 10-16 under 35 U.S.C.**  
10 **§112, second paragraph** as being indefinite for failing to particularly point out  
11 and distinctly claim the subject matter which Applicant regards as the invention.  
12 The Office states that a "...lack of antecedent basis in the specification of the  
13 majority of the language in the claim, creates ambiguity as to the proper meaning  
14 of the claims. It appears that Applicant is trying to claim similar subject matter as  
15 independent claim 1, the claims will be viewed in that light for examining  
16 purposes only" (Action, page 5).

17 As stated previously in regard to the §112, first paragraph rejection of  
18 claims 1-16 and 22-25, Applicant submits the specification does support the  
19 language of the claims, and therefore no lack of antecedent basis and no resulting  
20 ambiguity exist as to the proper meaning of the claims. Applicant submits the  
21 language of claims 10-16 is supported at least by paragraphs [0007], [0008],  
22 [0021], [0024], [0025], [0040], [0041], [0076], [0077], [0079], [0080], [0081],  
23 [0082] and Figures 1, 2, 3, and 7 of the Applicant's Specification.

1           Applicant respectfully submits that claims 10-16 are allowable over the  
2 Office's 35 U.S.C. §112, second paragraph rejection.

3

4 **Rejections under 35 U.S.C. §102(e)**

5           On page 5 of the Action, the Office rejects claims 1-5, 7-13, 15, 16 and 22-  
6 25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application  
7 Publication No. US20040133855A1 to Blair (hereinafter, "Blair"). These  
8 rejections are respectfully traversed.

9

10 **Independent Claim 1**

11           Turning first to **independent Claim 1**, without conceding the propriety of  
12 the stated rejection, and without conceding that Blair provides the teaching for  
13 which it was cited in the Action, the Applicant has amended claim 1 as indicated  
14 above. For convenience of discussion, the Applicant reproduces here claim 1 as it  
15 would stand after entry of the above revisions:

16           “A method comprising compiling formatted video content into a  
17 binary format that includes one or more of layout, rendering, user interface  
18 (UI) interaction, and dynamic aspects of the formatted video content,  
19 wherein the formatted video content includes an original markup language  
20 and the compiling further comprises processing the formatted video content  
21 in the original markup language with a process that is specific to the  
original markup language and a process that is specific to a predetermined  
client for the rendering of the video content in the serialized binary format  
so as to be consistent with the original markup language.”

1       The Applicant submits that the above revisions to claim 1 incorporate the  
2 language of original claim 2 and are **fully supported under 35 U.S.C. § 112, 1<sup>st</sup>**  
3 **paragraph**, by the Applicant's Specification.

4

5       The Blair reference pertains generally to providing a presentation engine  
6 adapted for use by a constrained resource client device (Blair, Title). More  
7 specifically, Blair pertains to the conversion of information streams by a near side  
8 server into feature or function reduced information streams and/or data files which  
9 are subsequently propagated to a client (Blair, paragraph [0016]).

10      As such, Blair does not disclose every element of Applicant's amended  
11 claim 1. For example, Blair does not show or disclose wherein "...the compiling  
12 further comprises processing the formatted video content in the original markup  
13 language with a process that is specific to the original markup language and a  
14 process that is specific to a predetermined client for the rendering of the video  
15 content in the serialized binary format," as in Applicant's claim 1 after entry of the  
16 above revisions. Specifically, Blair does not show or disclose a process specific to  
17 a predetermined client for rendering video content into binary format, as in  
18 Applicant's amended claim 1. The Office cites paragraph [0020] of Blair for this  
19 feature (Action, page 6).

20      However, there is no indication that Blair shows a process for rendering  
21 video content into binary format, *specific to* a predetermined client, as provided in  
22 claim 1. Blair describes a client connected to a communications system, where the  
23 communications system could be a telephone network and the Internet (Blair,  
24 paragraph [0020]). Thereafter, Blair only provides additional embodiments of a

1 communications system and the example of a set top box as the client connected to  
2 the communications system (Blair, paragraph [0020]). The disclosure of a client  
3 connected to a communications system does not show or disclose a process for  
4 rendering video content into binary format that is *specific to* a predetermined  
5 client, as in Applicant's claim 11.

6 Because the Blair patent does not show or disclose every element of the  
7 method of Applicant's claim 1, Applicant respectfully submits that Blair does not  
8 support a §102 rejection of claim 1. The Applicant thus requests reconsideration  
9 and withdrawal of the §102 rejection of claim 1.

10

11 **Dependent Claims 2-5 and 7-9**

12 Claim 2 has been cancelled and therefore the rejection of this claim is now  
13 moot. Claims 3-5 and 7-9 depend directly or indirectly from claim 1. For at least  
14 the reasons set forth above with respect to claim 1, and without conceding the  
15 inherency of "the normal course of operation" described in the Action (page 7),  
16 Applicant submits that Blair does not support a §102 rejection of dependent claims  
17 3-5 and 7-9 and therefore these claims are not anticipated by Blair. Claims 3-5  
18 and 7-9 depend from claim 1, and therefore, the comments directed above to claim  
19 1 apply equally to these dependent claims, as well as for the additional features  
20 recited in these claims.

21

22 **Independent Claim 10**

23 Turning next to independent Claim 10, without conceding the propriety of  
24 the stated rejection, and without conceding the inherency of "the normal course of  
25

1       “operation” described in the Action (page 6), or that Blair provides the teaching for  
2 which it was cited in the Action, the Applicant has amended claim 10 as indicated  
3 above. For convenience of discussion, the Applicant reproduces here claim 10 as  
4 it would stand after entry of the above revisions:

5                 “A computer-readable medium comprising instructions that when  
6 executed:  
7                     capture the presentation results of an interactive execution of a  
8 browser application processing video content in an original markup  
9 language, wherein the presentation includes layout, rendering, UI  
interaction, and dynamic aspects of the video content from the original  
markup language; and

10                     create one or more serialized binary bit streams corresponding to the  
11 presentation results that can be visually rendered and interacted with by an  
12 end user through a user interface, wherein the capture further comprises  
13 processing the video content in the original markup language with a  
14 markup-specific routine that is specific to the original markup language,  
15 and a client-specific routine specific to a predetermined client for the  
16 rendering of the one or more serialized binary bit streams so as to be  
17 consistent with the original markup language.”

18       The Applicant submits that the above revisions to claim 10 incorporate both  
19 the language of original claim 11 and additional language, and are **fully**  
20 **supported under 35 U.S.C. § 112, 1<sup>st</sup> paragraph**, at least by paragraph [0021] of  
21 the Applicant’s Specification, as well as by Figure 2.

22       Claim 10 is rejected “using the same rationale” as set forth in the rejection  
23 of claim 1 (Action, page 6). As described above in the response to the rejection of  
24 claim 1, Blair does not show or disclose each of the features recited in independent  
25 claim 10. Specifically, Blair does not disclose wherein “...the capture further  
comprises processing the video content in the original markup language with a

1 markup-specific routine that is specific to the original markup language, and a  
2 client-specific routine specific to a predetermined client for the rendering of the  
3 one or more serialized binary bit streams so as to be consistent with the original  
4 markup language...” as in Applicant’s claim 10 after entry of the above revisions.

5 Blair does not show or disclose at least these features recited in claim 10.  
6 Accordingly, Blair does not support a §102 rejection of claim 10 for at least the  
7 reasons noted above with claim 1, and the §102 rejection should be reconsidered  
8 and withdrawn.

9

10 **Dependent Claims 11-13, 15, and 16**

11 Claim 11 has been cancelled and therefore the rejection of this claim is now  
12 moot. Claims 12, 13, 15, and 16 depend directly or indirectly from claim 10. For  
13 at least the reasons set forth above with respect to claim 10, and without conceding  
14 the inherency of “the normal course of operation” described in the Action (page  
15 7). Applicant submits that Blair does not support a §102 rejection of dependent  
16 claims 12, 13, 15, and 16, and therefore these claims are not anticipated by Blair.  
17 Claims 12, 13, 15, and 16 depend from claim 10, and therefore, the comments  
18 directed above to claim 10 apply equally to these dependent claims, as well as for  
19 the additional features recited in these claims.

20

21 **Independent Claim 22**

22 Turning next to independent Claim 22, without conceding the propriety of  
23 the stated rejection, and without conceding the inherency of “the normal course of  
24 operation” described in the Action (page 6), or that Blair provides the teaching for

1 which it was cited in the Action, the Applicant has amended claim 22 as indicated  
2 above. For convenience of discussion, the Applicant reproduces here claim 22 as  
3 it would stand after entry of the above revisions:

4 “A Multiple System Operation (MSO) comprising:  
5 storage for video content in an original markup language that  
6 includes layout, rendering, UI interaction, and dynamic aspects of the video  
content; and

7 one or more headends each having one or more servers, wherein  
8 each said server includes a compiler to compile the video content in the  
9 original markup language into video content in a binary format that  
10 includes the layout, rendering, UI interaction, and dynamic aspects of the  
11 video content from the original markup language, wherein the compiling  
12 comprises processing the video content in the original markup language  
with a markup-specific routine that is specific to the original markup  
language, and a client-specific routine specific to a predetermined client for  
the rendering of the video content in the binary format so as to be consistent  
with the original markup language.”

13  
14 The Applicant submits that the above revisions to claim 22 incorporate the  
15 language of original claim 23 and are **fully supported under 35 U.S.C. § 112, 1<sup>st</sup>**  
16 **paragraph**, by the Applicant’s Specification.

17  
18 The Applicant submits that Blair does not show or disclose every element  
19 of Applicant’s claim 22. As described above in the response to the rejection of  
20 claim 1, Blair does not show or disclose each of the features recited in independent  
21 claim 22. Specifically, Blair does not disclose “...wherein the compiling  
22 comprises processing the video content in the original markup language with a  
23 markup-specific routine that is specific to the original markup language, and a  
24 client-specific routine specific to a predetermined client for the rendering of the

1 video content in the binary format so as to be consistent with the original markup  
2 language...” as in Applicant’s claim 22 after entry of the above revisions.

3 Blair does not show or disclose at least these features recited in claim 22.  
4 Accordingly, Blair does not support a §102 rejection of claim 22 for at least the  
5 reasons noted above with respect to claim 1, and the §102 rejection should be  
6 reconsidered and withdrawn.

7

8 **Dependent Claims 23-25**

9 Claim 23 has been cancelled and therefore the rejection of this claim is now  
10 moot. Claims 24 and 25 depend directly or indirectly from claim 22. For at least  
11 the reasons set forth above with respect to claim 22, Applicant submits that Blair  
12 does not support a §102 rejection of dependent claims 24 and 25, and therefore,  
13 does not anticipate these claims. Claims 24 and 25 depend from claim 22, and  
14 therefore, the comments directed above to claim 22 apply equally to these  
15 dependent claims, as well as for the additional features recited in these claims.

16

17 **Rejections under 35 U.S.C. §103(a)**

18 The Office rejects claims 6 and 14 under 35 U.S.C. §103(a) as being  
19 unpatentable over an Official Notice that it would have been obvious to one of  
20 ordinary skill in the art at the time of the invention to recite reflowing web pages  
21 that have an inline image and shape in which they are to placed, “...as an object of  
22 Blair was to adapt the style to the specific display and used reflow to accomplish  
23 this goal” (Action, page 8). The Applicant respectfully traverses this rejection.

1       Claims 6 and 14 depend from independent claims 1 and 10, respectively.  
2 Therefore, the comments directed above to Blair apply equally to claims 6 and 14.  
3 For at least the reasons set forth above with respect to claims 1 and 10, and  
4 without conceding the “Official Notice” taken by the Office (Action, page 8),  
5 Blair and the purported Official Notice does not support a §102 rejection of claims  
6 6 and 14, at least by virtue of their dependency upon independent claims 1 and 10.

7       Applicant submits that dependent claims 6 and 14 are not rendered obvious  
8 by Blair. Therefore, the §103 rejections of claims 6 and 14 should be withdrawn.

1      **Conclusion**

2      The Applicant requests favorable action on this application at the earliest  
3      convenience of the Office. Applicant respectfully requests that an early Notice of  
4      Allowability be issued. If there are any outstanding issues that would prevent  
5      favorable action on this application, Applicant respectfully requests that the  
6      undersigned attorney be contacted to schedule an interview.

7

8

9      Respectfully Submitted,

10     Dated: 2/2/07

11     By:

12       
13     Emily H. Ling  
14     Lee & Hayes PLLC  
15     Reg. No. 58,619  
16     Suite 500  
17     421 W. Riverside Avenue  
18     Spokane, Washington 99201  
19     Telephone: (509)324-9256 x222  
20     Facsimile: (509) 323-8979